

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

CORNING-DONOHUE, INC,

Debtor.

BKY. No. 10-36191

Chapter 7

Response of Barbara J May

Barbara J May, as and for her Response to the Court's Order to Show Cause, provides as follows:

1 She has reviewed the Order to Show Cause of the Court dated December 1, 2010.  
2 Counsel is aware that she failed to timely attend a hearing set on for December 1, 2010.

3 While counsel does not seek to make an excuse for her failure, she does have a reason for her absence.

4 Counsel has just recently lost her calendar clerk of over 10 years. As a result of the change in personnel, the matter was inadvertently calendared for 10:30 AM, instead of 9:30 AM, and the error was not caught.

5 Counsel left her Roseville office at 9:30 AM, to ensure that she got to court early and had an opportunity to talk with Ms. Sullivan before the hearing. Instead, by the time she had parked and gotten to the courtroom, the hearing was done and the next hearing was underway.

6 Counsel returned to her office, notified her client of the error in attending the hearing, and awaited further instruction from the court.

7 Counsel has a twenty-nine plus year history of attending hearings timely in both state and federal courts. She did not intend to show disrespect to any party, or to fail to attend this hearing.

8 Counsel was originally retained for this case in July of 2007. She originally worked with John Donohue, the primary officer of the corporation. She corresponded with him in writing, at his corporate address listed in the bankruptcy case.

9 Counsel worked with John Donohue and his wife, Doreen Donohue, to prepare accurate schedules with the court. The process was made more challenging by the fact that John Donohue was failing mentally, and would occasionally give incorrect or conflicting information.

10 The corporation had not prepared taxes for many years, and its books were not well kept. Counsel believes that this, again, was a result of the mental deterioration of the corporate officer.

11 Between July 2007 and the date of filing, counsel assisted the debtor in winding down the business, attempting to sell or auction business assets and preparing corporate taxes. Counsel drafted 10 different sets of bankruptcy schedules, each time incorporating new or additional facts.

12 By April of 2010, the corporate officer with whom counsel had been working was completely incompetent. His spouse, Doreen Donohue, who now resided in Arizona, took over the review and preparation of the bankruptcy schedules. In June of 2010, John Donohue died. Communication with his widow became more difficult as she grieved his loss, and found herself buried in a financial crisis.

13 Counsel received authority in August of 2010 to finally file the bankruptcy schedules. At that time, the debtor officer was alternately living in Gold Canyon, Arizona, or was staying with her children in St. Paul, MN. Any email sent to her went to her son's email account. Counsel learned that those emails were not always forwarded to Ms. Donohue. Ms. Donohue does not use fax and does not regularly retrieve voice mail. Most communication with her is done by mail, between Minnesota and Arizona.

14 Counsel has attached her time records. The records reflect multiple attempts to communicate with her client and to provide documents to the trustee. Counsel believes that Ms. Donohue responded to the best of her ability, given her difficult and unfortunate circumstances.

15 Counsel has worked diligently on this difficult case to prepare all documents correctly and to give the trustee a clean, no asset case.

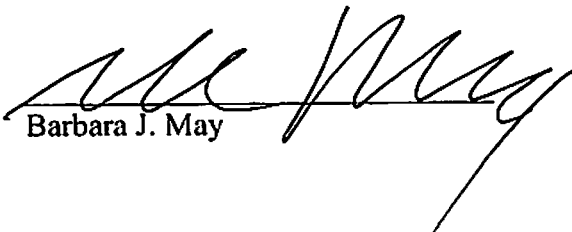
8 She regrets any errors that may have gotten through the grueling redrafting process. She has attached her time records in this case and will accept the court's sanction.

Date: December 2, 2010

/e/ Barbara J. May  
Barbara J. May  
2780 N. Snelling #102  
Roseville, MN 55113  
651-486-8887  
Attorney ID 129689

Barbara J. May, herein, having reviewed the attached document , declare under penalty of perjury that she knows know the information contained herein to be true and correct to the best of her knowledge.

Dated: 12/23/10

  
Barbara J. May

Dated: \_\_\_\_\_

\_\_\_\_\_

*Barbara J May Attorney at Law*  
**Barbara May's Time Entry Report  
for Selected File:**

**DONOHUE, CORNING**

Client ID: Donohue,DoreenBky

Matter ID:5821/5821

**Tue Jan 2, 2007 to Thu. Dec 02, 2010**

Date	Activity	Description	Time (hrs)
Wed Dec 1, 2010		Attend hearing, email to client, call to client	2.40
		parking 3.50 mileage 40 miles	
Tue Nov 30, 2010		rd from trustee, call to client, prepare for hearing	2.50
Wed Nov 24, 2010		review document from trustee, legal draft response, 4 email to trustee, research ERISA, review taxes, efile and serve response	2.50
Fri Oct 15, 2010		A 341 meeting, rd from trustee, TCA to client	2.30
		parking 3.50 mileage 40 miles	
Thu Oct 14, 2010		RD FROM TRUSTEE, SHE HAS NOT RECEIVED DOCS SHE NEEDS, HEARING CANCELED. EMAIL AND CALL TO CLIENT TO PLEASE PROVIDE DOCS	0.90
Tue Oct 5, 2010		EMAIL TO CLIENT RE TRUSTEE'S REQUESTS, 2007 TAXES	0.50
Wed Sep 29, 2010		REVIEW DOCS PENSION INFORMATION FROM CLIENT, LETTER TO TRUSTEE	0.70
		9/28 parking 3.50 mileage 40 miles	
Tue Sep 28, 2010	A	attend 341, conference with client; A	3.00
Tue Sep 28, 2010		EMAIL FROM TRUSTEE CANCELLING MEETING, ATTEMPT TO CONTACT CLIENT	0.80

Date	Activity	Description	Time (hrs)
Tue Sep 21, 2010		CALL TO CLIENT, LEFT MESSAGE, RE TRUSTEE'S REQUESTS	0.30
Thu Sep 16, 2010		FOLLOW UP WITH CLIENT RE: TRUSTEE REQUESTS	0.30
Tue Sep 14, 2010	E	email to client; E	0.50
Tue Sep 14, 2010		REVIEW CORRESPONDENCE FROM P SULLIVAN RE NUMEROUS ITEMS NEEDED FOR MEETING, EMAIL TO CLIENT	0.60
Fri Sep 10, 2010	E	email to client; E	0.30
Fri Sep 3, 2010		REVIEW CORRESPONDENCE FROM JOHNSON AND LINDBERG RE STAY RELIEF	0.40
Fri Aug 27, 2010	RD	RD FROM COURT L EF AMENDED FEE APP; RD	0.80
Tue Aug 24, 2010	EF	efile case, email to and from client; EF	1.20
Tue Aug 24, 2010		CALL FROM CLIENT, FAX FROM CLIENT, RECEIVE FINAL APPROVAL FROM CLIENT TO FILE BANKRUPTCY	1.40
		\$299.00 filing fee	
Mon Apr 19, 2010	toc	TOC call from Arizona welfare prepare lexis nexis report; toc	0.50
Thu Apr 1, 2010	toc	TOC call from Arizona welfare; toc	0.30
Tue Nov 3, 2009		LETETR TO CLIENT OFFICER	0.50
Wed Oct 7, 2009	L	L, E  prepare another draft with pages and pages of corrections, multiple email to and from client, email schedules with instructions to sign and return; L	2.00
Tue Jun 16, 2009		REVIEW DOC FROM CLEINT, BANKRUPTCY SCHEDULES WITH PAGES OF CHANGES	0.90
Mon Jun 8, 2009		RD RETURNED BY CLIENT WITH HUNDREDS OF CHANGES, BEGIN REDRAFT BKY	1.90

Date	Activity	Description	Time (hrs)
Wed May 20, 2009	c	C L RR  conference with client, review and revise, out with client for addresses, dates and amounts; c	4.00
Wed May 20, 2009	rr	- review lexis nexis report, UCC search; rr	3.00
Mon Apr 20, 2009		CALL TO CLIENT RE: OFFICER NOW IN NURSING HOME, NOT COMPETENT	0.50
Mon Dec 8, 2008		LEGAL DRAFT COMPLICATED PETITION	3.90
Thu Nov 6, 2008		RUN LEXIS NEXIS ON CORP, DEBTOR OFFICER AND WIFE, REVIEW FOR ASSETS AND LIENS  \$150.00	3.00
Thu Sep 4, 2008		LETTER TO CLIENT OFFICER	0.50
Tue Sep 2, 2008		LETTER TO CLIENT OFFICER	0.50
Mon May 19, 2008		CALL FROM CLIENT	0.30
Thu May 8, 2008		CALL FROM CLIENT	0.30
Thu Jan 24, 2008		REVIEW CORRESPONDENCE RE. CENTRAL STATES PENSION, REVIEW LITIGATION AND PROPOSED JUDGMENT,. AMEND SCHEDULES, CALL TO CLIENT	1.20
Thu Jan 24, 2008		review correspondence from Associated Commercial finance about default in multiple loan agreements	0.50
Thu Jan 24, 2008		AMEND SCHEDULES AGAIN TO ADD NEW LAWSUITS, LOAN AGREEMENTS, SEND TO CLIENT	0.90
Tue Jan 22, 2008		RD FROM ASSOCIATED COMMERCIAL FINANCE, LETTER TO ACF	0.60
Sun Jan 20, 2008		email from cleint about AFCI loan	0.50
Sun Jan 20, 2008		REVIEW ASBESTOS LAWSUIT	0.50
Mon Jan 14, 2008	E	3 email from cleint about asbestos lawsuits; E	0.90
Mon Jan 7, 2008		REVIEW MORE DOCUMENTS, MORE CREDITORS, FROM CLEINT	0.70

Date	Activity	Description	Time (hrs)
Mon Dec 10, 2007	c	conference with Doreen Donahue, CEO, review and revise schedules; c	2.00
Mon Dec 10, 2007		REVISE SCHEDULES, MANY ADDITIONS AND CHANGES BY OFFICER	0.30
Sun Dec 9, 2007	L	LEGAL DRAFT CHAPTER 7; L	5.00
Fri Dec 7, 2007	c	conference with client; c	1.00
Fri Nov 16, 2007		email from client about potential sale of property to Concordia for 1.0 million	0.20
Tue Nov 6, 2007		email from client for status report, scheduling appt in Dec to sign	0.30
Mon Nov 5, 2007		RD RE \$514,000 PENSION FUND LIABILITY	0.90
Tue Oct 30, 2007		- call from client about selling property	0.40
Tue Oct 16, 2007		email from client about client plans to travel to Mnn, pending litigation, offers to sell property, new lawsuit and hazardous waste issues	0.90
Wed Oct 10, 2007		Call from D. Donohue about failing health of husband, sale of business properties, review offer for sale with client	0.90
Fri Oct 5, 2007		email from client re: possible sale of land, timing of sale and effect on bky	0.30
Thu Oct 4, 2007		email from client about maintenance of business property	0.40
Wed Oct 3, 2007		call to client, discuss purchase offer on property, review appraisal, review communication from	1.10
Fri Sep 28, 2007		RD FROM CLIENT, REVIEW TAXES, BEGIN SORTING THROUGH BOXES OF BILLS AND DOCS FROM CLIENT OFFICER	2.90
Tue Sep 25, 2007		email from client, review police reports and lawsuits for asbestos contamination	1.90
Wed Sep 12, 2007		email to and from client re: tax returns and refunds, homestead, fraudulent conveyances	0.90
Thu Sep 6, 2007		call from acct re Client corp owes \$158,000 in payroll taxes	0.90



Time Entry Report

DONOHUE, CORNING

Date	Activity	Description	Time (hrs)
Mon Aug 13, 2007		review tax notice from IRS re alleged 941 taxes and inability of current corp tax preparer to represent corp and officers before IRS, email to client and email in response, phone call to accountant	2.10
Mon Aug 13, 2007		email to and from client about 2005 and 2006 corp tax returns	0.70
Tue Aug 7, 2007		CALL FROM CLIENT ABOUT TAX RETURNS FOR CORPORATION, CALL TO ACCOUNTANT, REVIEW 2004 AND 2005 CORP TAX RETURNS WITH HIM, EMAIL TO CLIENT	1.70
Mon Aug 6, 2007		RD FROM CLIENT RE 2 vehicle titles TRANSFERRED IN PREVIOUS TWO YEARS, RUN LEXIS NEXIS MOTOR VEHICLE SEARCH	0.70
Thu Aug 2, 2007		three email from client, 1d call to client about auction, rd email from client re: auctioneer	1.40
Fri Jul 27, 2007		lengthy intake with client re: corporate disaster	2.20
Total Time :			<b>78.40 Hrs.</b>

Legal Fees:  
Costs:

78.40 hours @\$300/hour

\$23,520.00

\$ 519.50

\$ 24039.50

STATE OF MINNESOTA )  
 ) SS Case No.:BKY 10-36191  
COUNTY OF RAMSEY )

Barbara J. May, being duly sworn upon oath, says that on the 23rd day of December, 2010, she served  
via US Mail, the Response of Barbara J May, on:

U.S. Trustee  
1015 U.S. Courthouse  
300 South 4th Street  
Minneapolis, MN 55415

PATTI SULLIVAN  
1595 SELBY AVE SUITE 205  
ST PAUL, MN 55104

/e/ Barbara J. May

Barbara J. May